

Adopted.

Senator Davis offered the following substitute for the amendment as amended :

Strike out "the preference given the person who has enclosed lands."

Adopted by the following vote:

## YEAS—16.

Buchanan,	Getzendaner,	Peacock,
Chesley,	Gooch,	Pfeuffer,
Davis,	Johnson of Collin,	Randolph,
Evans,	Jones,	Stratton,
Farrar,	Patton,	Traylor.
Fleming,		

## NAYS—7.

Collins,	Martin,	Perry,
Houston,	Matlock,	Shannon.
Johnston of Shelby,		

Senator Collins offered the following amendment:

SEC. —. The near approach of the close of the present session of the Legislature creates an emergency and public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and the rules are so suspended.

Adopted.

Senator Davis offered the following amendment:

Strike out all after the twenty-second line, section 4, page 2, and insert "Each section shall be leased separately to the highest bidder."

Senator Houston moved the previous question on the bill, substitute and amendments:

Motion seconded, and

Main question ordered.

Senator Davis' amendment was lost.

Senator Chesley's substitute, offered this morning, being Senate bill No. 50, was lost by the following vote:

## YEAS—11.

Buchanan,	Gooch,	Martin,
Chesley,	Johnson of Collin,	Pfeuffer,
Davis,	Johnston of Shelby,	Stratton.
Fleming,	Jones,	

## NAYS—13.

Collins,	Houston,	Perry,
Evans,	Matlock,	Randolph,
Farrar,	Patton,	Shannon,
Getzendaner,	Peacock,	Traylor.
Gibbs,		

The bill was ordered engrossed by the following vote:

## YEAS—15.

Chesley,	Houston,	Perry,
Collins,	Johnson of Collin,	Pfeuffer,
Evans,	Jones,	Randolph,
Farrar,	Patton,	Shannon.
Getzendaner,		

## NAYS—8.

Davis,	Johnston of Shelby,	Stratton,
Fleming,	Martin,	Traylor.
Gooch,	Matlock,	

Senator Chesley entered a motion to reconsider the vote engrossing the bill, and the vote by which the substitute offered by him was lost.

Senator Jones moved to adjourn till 3 o'clock p. m.

Senator Fleming moved to adjourn till 10 o'clock Monday morning.

Adopted, and

The Senate adjourned till Monday morning at 10 o'clock.

## EIGHTEENTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, January 28, 1884.

Senate met pursuant to adjournment.

Lieutenant-Governor Martin in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

On motion of Senator Traylor,

The reading of Saturday's journal was dispensed with, and

The journal was adopted.

Senator Stratton, by leave, offered the following resolution:

*Resolved by the Senate,* That the evening sessions of the Senate shall, from and after this day, be devoted to the consideration of House bills, so long as any of such bills remain on the President's table.

Senator Stratton moved to suspend the rules so as to act on the resolution.

Adopted.

On motion of Senator Stratton,

The resolution was adopted.

Senator Chesley offered the following resolution:

*Resolved,* That hereafter there shall be night session for the purpose of consideration of the school bill, the same being substitute for Senate bill Nos. 32 and 34.

Ordered to lie over till to-morrow.

The President laid before the Senate substitute Senate bill No. 66, "An act to control and dispose of lands heretofore or hereafter surveyed and set apart for the benefit of the common school fund, save and except the lands thereof classed as timbered," being the business pending an adjournment.

Senator Chesley called up his motion, entered on Saturday, to reconsider the vote by which the Senate refused to adopt his substitute for the pending bill.

The President ruled that having voted with the minority it was not in order for him to make a motion to reconsider.

Senator Peacock then moved to reconsider said vote.

Senator Jones moved to suspend the regular order and take up Senate bill No. 4. "An act to provide for the appointment of commissioners to represent the State of Texas at the World's Industrial Centennial and Cotton Exposition, to be opened at New Orleans, Louisiana, on the first Monday in December, 1884, and to prescribe the duties of said commissioners and making appropriation therefor," which was second special order pending.

Adopted, and

Bill and committee substitute taken up and read second time.

On motion of Senator Stratton,

The committee substitute was adopted.

Senator Jones offered the following amendments: Amend by striking out "fifty thousand," in line 8, section 1, and insert "twenty thousand."

Adopted.

Amend by striking out "in the museum of the State," in line 29, section 8, and insert "the Commissioner of Insurance, Statistics and History shall."

Adopted.

Senator Davis offered the following amendment:

Strike out the "ornery members."

Withdrawn.

Senator Jones offered the following amendment:

SEC. 10. The near approach of the close of the present session of the Legislature, and the importance of the early appointment of the commissioners provided for in this act, creates an imperative public necessity, and an emergency for the suspension of the constitutional rule requiring all bills to be read on three several days, and it is hereby suspended; and this act take effect from and after its passage, and it is so enacted.

Adopted, and

Bill ordered engrossed.

Senator Jones moved to suspend the constitutional rule, to place bill on its third reading.

Adopted by the following vote:

YEAS—13.

Buchanan,	Gooch,	Matlock,
Collins,	Johnston of Shelby,	Peacock,
Fleming,	Jones,	Shannon,
Fowler,	Kleberg,	Stratton,
Gibbs,	Martin,	Traylor.

NAYS—9.

Cooper,	Farrar,	Patton,
Davis,	Getzendaner,	Randolph,
Evans,	Johnson of Collin,	Terrell.

Senator Jones moved to further suspend the rules and place the bill on its third reading.

Adopted by the following vote:

YEAS—20.

Buchanan,	Fowler,	Kleburg,
Chesley,	Getzendaner,	Martin,
Collins,	Gibbs,	Peacock,
Cooper,	Gooch,	Randolph,
Davis,	Johnston of Shelby,	Shannon,
Farrar,	Jones,	Stratton,
Fleming,		Traylor.

NAYS—3.

Evans,	Johnson of Collin,	Terrell.
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The following messages were received from the House:

HOUSE OF REPRESENTATIVES,  
AUSTIN, January 28, 1884.

Hon. Marion Martin, President of the Senate:

I am instructed to inform the Senate that the House has passed House bill No 1, "An act to amend article 4662, chapter 1, title 95 of the Revised Statutes, as amended and approved May 4, A. D. 1882; and to amend articles 4666 and 4668, chapter 1, title 95 of the Revised Civil Statutes, to reduce taxation for general revenue purposes, to conform the tax laws to the amended Constitution, and to provide for levy and collection of a tax to maintain a system of free schools under the amended Constitution."

Passed by a two-thirds vote; ayes, 72; nays, 10.

J. W. BOOTH, Chief Clerk.

HOUSE OF REPRESENTATIVES,  
AUSTIN, January 28, 1884.

Hon. Marion Martin, President of the Senate:

I am instructed to inform the Senate that the House has concurred in Senate's amendments to House bill No. 33, "An act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the government from March 1, 1883, to February 29, 1884, being for deficiencies set forth in the proclamation of the Governor for the special session of the Eighteenth Legislature."

Respectfully,

J. W. BOOTH, Chief Clerk.

The President laid before the Senate the special order, substitute House bill No. 11, "An act to amend article 413, chapter 2, title 13, of an act entitled 'an

act to adopt and establish the Penal Code of the State of Texas, passed February 21, 1879.'"

Bill and committee amendments read second time.

First committee amendment adopted.

Second committee amendment adopted.

Third committee amendment adopted.

The bill and committee amendments are as follows:

A bill to be entitled "An act to amend article 413, chapter 2, title 13, of an act entitled 'an act to adopt and establish the Penal Code of the State of Texas,' passed February 21, 1879, and to repeal all laws in conflict therewith."

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That article 413, chapter 2, title 13, of "An act entitled an act to adopt and establish the Revised Penal Code of the State of Texas," passed February 21, 1879, be so amended as to hereafter read as follows:

Article 413. Any person or persons placing a gate on or across any third class road, or on or across any road such as is designated in article 412, in this State, shall be required to keep said gate and the approaches to the same in good order, and the gate shall be ten feet wide and so constructed as to cause no unnecessary delay to the traveling public in opening and shutting the same, and provide a fastening to hold said gate open till the passengers go through; and such person or persons shall place a permanent hitching post and stile block on each side of and within sixty feet of such gate.

Any person or persons who may hereafter place a gate on or across a third class road, or on or across any road such as is designated in article 412, who shall wilfully or negligently fail to comply with the requirements of this article, shall be deemed guilty of a misdemeanor, and, on conviction, may be fined in any sum not less than five nor more than twenty dollars for each offense; and each week of such failure shall constitute a separate offense.

Any person or persons who shall wilfully or negligently leave open any gate on or across any third class road, or on or across any such road as is designated in article 412, shall be deemed guilty of a misdemeanor, and on conviction may be fined in any sum as above provided for; provided, that where the right of way for any third class road has been paid for by the county, such road shall not be obstructed by gate or otherwise. And any person so obstructing such road shall be deemed guilty of a misdemeanor, and on conviction may be fined in any sum not less than ten nor more than twenty-five dollars for each and every such offense, and each day such road shall be so obstructed shall constitute a separate offense.

SEC. 2. All laws and parts of laws in conflict herewith be and the same are hereby repealed.

#### COMMITTEE AMENDMENTS.

COMMITTEE ROOM,  
AUSTIN, January 21, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Judiciary No. 2, to whom was referred substitute House bill No. 11, entitled "An act to amend article 413, chapter 2, title 13, of an act entitled 'an act to adopt and establish the Penal Code of the State of Texas,' passed February 21, 1879," have carefully examined the same, and recommend that the caption of said bill be amended by striking out the word "the" where it occurs before the word "penal," and inserting "a," and striking out "of" between the words "Code" and the words "and a Code of Criminal Procedure;" and that section 1 of the bill be amended by striking out the words "the" and "Revised" between the words "establish" and "Penal," and inserting the word "a;" and striking out the word "of" between the words "Code" and "the" and insert the following: "and a Code of Criminal Procedure for," and that the bill so amended do pass.

All of which is respectfully submitted.

PATTON, Acting Chairman.

Senator Matlock offered the following amendment:

Amend section 1 by adding, after "413," "of the Penal Code of this State."

Withdrawn.

Senator Traylor offered the following amendment:

Strike out, on first page, in line 7, "in the State," and insert "of the Penal Code."

Adopted.

Senator Cooper offered the following amendment:

Strike out all after the word "any," in line 6, down to the word "in," in line 7, and insert in lieu thereof "public road."

Withdrawn.

Bill passed to its third reading.

Senator Traylor moved to suspend the rules and place the bill on its third reading.

Adopted by the following vote:

YEAS—22.

Buchanan,	Gibbs,	Patton,
Cooper,	Gooch,	Peacock,
Davis,	Johnson of Collin,	Randolph,
Evans,	Johnston of Shelby,	Shannon,
Farrar,	Kleberg,	Stratton,
Fleming,	Martin,	Terrell,
Fowler,	Matlock,	Traylor.
Getzendaner,		

NAYS—none.

Bill read third time.

Senator Davis offered the following amendment: Strike out the proviso in section 1.

Senator Gibbs offered the following substitute for the amendment of Senator Davis:

Amend by inserting in line 16, page 2, the words, "which may hereafter be paid for," instead of "has been paid."

Senator Davis moved to reconsider the vote by which the bill passed to its third reading.

Adopted.

Senator Gibbs' substitute for the amendment of Senator Davis was lost by the following vote:

YEAS—12.

Buchanan,	Gooch,	Peacock,
Chesley,	Johnson of Collin,	Randolph,
Cooper,	Martin,	Terrell,
Gibbs,	Patton,	Traylor.

NAYS—13.

Collins,	Fowler,	Kleberg,
Davis,	Getzendaner,	Matlock,
Evans,	Johnson of Shelby,	Shannon,
Farrar,	Jones,	Stratton.
Fleming,		

Senator Davis' amendment was lost by the following vote:

YEAS—10.

Chesley,	Fowler,	Martin,
Collins,	Jones,	Matlock,
Davis,	Kleburg,	Stratton.
Fleming,		

NAYS—13.

Buchanan,	Johnson of Collin,	Randolph,
Evans,	Johnston of Shelby,	Shannon,
Getzendaner,	Patton,	Terrell,
Gibbs,	Peacock,	Traylor.
Gooch,		

Senator Traylor offered the following amendment:

SEC. 3. There being no adequate law now in force in regard to public roads, an imperative public necessity exists that this

act take effect at once; it shall therefore be in force from and after its passage.

Withdrawn.

Senator Traylor then offered the following amendment:

SECTION —. The near approach of the close of the present session of the Legislature, and the importance of this bill creates an imperative public necessity and emergency that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

Adopted by the following vote:

YEAS—20.

Buchanan,	Getzendaner,	Patton,
Chesley,	Gibbs,	Peacock,
Collins,	Gooch,	Randolph,
Cooper,	Johnson of Collin,	Shannon,
Evans,	Johnston of Shelby,	Terrell,
Farrar,	Martin,	Traylor.
Fowler,	Matlock,	

NAYS—6.

Davis,	Houston,	Kleberg,
Fleming,	Jones,	Stratton.

Senator Davis moved to recommit the bill and amendments.

Senator Traylor moved to reconsider the vote by which the bill passed to its third reading.

Adopted.

Senator Gibbs moved to reconsider the vote by which the amendment of Senator Davis was lost.

Adopted.

Senator Davis moved to reconsider the vote by which the substitute of Senator Gibbs for his amendment was lost.

Adopted.

The substitute of Senator Gibbs for the amendment of Senator Davis was then considered, and voted on with the following result:

YEAS—13.

Buchanan,	Gibbs,	Peacock,
Cooper,	Gooch,	Randolph,
Evans,	Johnson of Collin,	Terrell,
Fowler,	Patton,	Traylor.
Getzendaner,		

NAYS—13.

Chesley,	Houston,	Matlock,
Collins,	Jones,	Pfeuffer,
Davis,	Kleberg,	Shannon,
Farrar,	Martin,	Stratton.
Fleming,		

The vote being a tie vote, the President voted in the negative, and the substitute was lost.

The amendment of Senator Davis was considered, and adopted by the following vote:

YEAS—14.

Chesley,	Getzendaner,	Matlock,
Collins,	Houston,	Pfeuffer,
Davis,	Jones,	Shannon,
Farrar,	Kleburg,	Stratton.
Fleming,	Martin,	

NAYS—12.

Buchanan,	Gibbs,	Peacock,
Cooper,	Gooch,	Randolph,
Evans,	Johnson of Collin,	Terrell,
Fowler,	Patton,	Traylor.

The bill then passed to third reading.

Senator Matlock then moved to suspend the rule and put the bill on its third reading.

Adopted by the following vote:

YEAS—20.

Chesley,	Gooch,	Patton,
Collins,	Houston,	Pfeuffer,
Davis,	Johnson of Collin,	Randolph,
Evans,	Jones,	Shannon,
Fleming,	Kleberg,	Stratton,
Getzendaner,	Martin,	Traylor,
Gibbs,	Matlock,	

NAYS—1.

Cooper.

Bill read third time and passed.

On motion of Senator Matlock.

The bill just passed was ordered printed in the journal of to-day.

The President referred substitute House bills Nos. 16, 41, 86, etc., "An act to provide for the erection of gates into and opening ways through lands in this State, for the use of the public," to Committee on Roads, Bridges and Ferries.

On motion of Senator Jones,

Senator Fleming was excused till to-morrow morning, on account of sickness.

On motion of Senator Johnston of Shelby,

Senator Pope was excused for to-day.

Senator Houston moved to suspend the order of business and take up Senate bill No. 72, a bill to be entitled "An act to authorize counties to issue bonds to fund their outstanding indebtedness incurred prior to the twenty-fourth day of September, 1883."

Adopted, and

Bill taken up and

Read second time.

Senator Houston offered the following amendment:

Amend the bill so as to limit the interest to 8 per cent.

Adopted.

Also the following:

Amend by inserting before the word "indebtedness" the words "valid and recognized."

Adopted.

Senator Peacock moved to amend section 1 by striking out the words "directed and," in line 4.

Adopted.

Senator Houston offered the following amendment:

SEC. —. The near approach of the close of the session, and the importance of enabling counties to at once fund their indebtedness, create an emergency and imperative public necessity for the suspension of the rules, and that this act shall take effect from and after its passage.

Adopted.

Senator Kleberg offered the following amendment:

Amend by inserting "6 per cent" interest instead of "8 per cent."

Adopted.

Senator Matlock offered the following amendment:

Amend section 1, line 2, after the word "indebtedness," by inserting: "when the indebtedness is an interest bearing debt."

Adopted by the following vote:

YEAS—14.

Cooper,	Gooch,	Peacock,
Davis,	Johnson of Collin,	Randolph,
Farrar,	Johnston of Shelby,	Stratton,
Fowler,	Martin,	Traylor,
Gibbs,	Matlock,	

NAYS—10.

Chesley,	Houston,	Patton,
Collins,	Jones,	Pfeuffer,
Evans,	Kleberg,	Shannon,
Getzendaner,		

Senator Jones offered the following amendment:

Add after "1883," line 6, section 1, "provided said bonds shall not run for a longer period than five years."

Lost.

Senator Collins moved to strike out the enacting clause of the bill.

Withdrawn temporarily.

Senator Davis moved to reconsider the vote adopting the last amendment.

Lost by the following vote:

YEAS—10.

Chesley,	Getzendaner,	Patton,
Collins,	Houston,	Pfeuffer,
Davis,	Kleberg,	Shannon,
Evans,		

NAYS—14.

Buchanan,	Johnson of Collin,	Peacock,
Cooper,	Johnson of Shelby,	Randolph,
Farrar,	Martin,	Stratton,
Fowler,	Matlock,	Traylor,
Gibbs,		

Senator Jones moved to adjourn until 3 o'clock p. m.

Lost by the following vote:

YEAS—4.

Buchanan,	Kleberg,	Martin,
Cooper,		

NAYS—19.

Chesley,	Gooch,	Peacock,
Collins,	Houston,	Pfeuffer,
Evans,	Johnson of Collin,	Randolph,
Farrar,	Johnson of Shelby,	Shannon,
Fowler,	Jones,	Stratton,
Getzendaner,	Matlock,	Traylor,
Gibbs,		

Senator Buchanan, by leave, introduced the following bill:

A bill to be entitled "An act to amend sections 5, 7, 26 and 39 of an act entitled 'an act to re-district the State into judicial districts, and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, A. D. 1884,' approved April 9, 1883."

Referred to Committee on Judicial Districts.

Senator Collins renewed his motion to strike out the enacting clause.

Adopted, and

Bill lost.

Senator Kleberg moved to adjourn until 3 o'clock p. m.

Adopted.

## AFTERNOON SESSION.

The Senate met pursuant to adjournment.  
Lieutenant-Governor Martin in the chair.  
Roll called.

Quorum present.

Senator Collins moved to suspend the regular order of business and take up committee substitute for Senate bill No. 67, "An act to amend article 679 of the Penal Code of the State of Texas."

Adopted, and

Bill taken up and read second time.

Committee substitute adopted.

Senator Getzendaner offered the following amendment:

Amend line 8 by adding after the word "or" as follows: "if the injury done exceeds fifty dollars."

Senator Houston offered the following amendment to the amendment of Senator Getzendaner:

Strike out "fifty dollars" and insert "twenty dollars."

Adopted.

Senator Getzendaner's amendment, as amended, adopted by the following vote:

YEAS—16.

Cooper,	Gooch,	Pfeuffer,
Davis,	Houston,	Randolph,
Farrar,	Kleberg,	Shannon,
Fowler,	Patton,	Stratton,
Getzendaner,	Perry,	Taylor.
Gibbs,		

NAYS—12.

Buchanan,	Johnson of Collin,	Matlock,
Chesley,	Johnston of Shelby,	Peacock,
Collins,	Jones,	Pope,
Evans,	Martin,	Terrell.

Senator Jones offered the following amendment: Strike out domestic animals or domestic birds in lines 6 and 7, article 679.

Senator Kleberg offered the following substitute for the amendment of Senator Jones,

Amend by adding the following:

"Provided, that dogs, chickens and other fowls shall not be included under the head of domestic animals."

Withdrawn.

Senator Peacock moved to lay the amendment of Senator Jones on the table.

Adopted by the following vote:

YEAS—15.

Buchanan,	Gooch,	Patton,
Collins,	Houston,	Peacock,
Evans,	Johnson of Collin,	Perry,
Fowler,	Martin,	Pfeuffer,
Getzendaner,	Matlock,	Terrell,

NAYS—12.

Cooper,	Johnston of Shelby,	Randolph,
Davis,	Jones,	Shannon,
Farrar,	Kleberg,	Stratton,
Gibbs,	Pope,	Taylor.

Senator Matlock offered the following amendment:

SEC. 2. Whereas the wilful killing of stock in this State has become of frequent occurrence, and the near approach of the close of the session creates an emergency and public necessity that the rule requiring this bill to be read three several days be suspended, and this bill take effect and be in force from and after its passage, and it is so enacted.

Adopted.

The President gave notice of signing the following bills:

House bill No. 33, "An act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the government from March 1, 1883, to February 29, 1884, and for the payment of the annual interest on the public debt from March 1, 1884, to February 28, 1885."

Senate Bill No. 30, "An act to provide for the investment of the permanent public free school funds of the counties.

Also House concurrent resolution No. 2, "instructing our Senators and Representatives in Congress to provide for a court to try offenses committed in the Indian Territory."

Senator Martin offered the following amendment:

Amend by striking out the last sentence in the bill from "and," in line 9, to "act," in line 11.

Senator Houston moved the previous question on amendments and engrossment of the bill.

Motion seconded, and

Main question ordered by the following vote:

YEAS—18.

Buchanan,	Houston,	Matlock,
Collins,	Johnson of Collin,	Perry,
Evans,	Johnston of Shelby,	Pfeuffer,
Fowler,	Jones,	Shannon,
Getzendaner,	Kleberg,	Terrell,
Gooch,	Martin,	Taylor.

NAYS—8.

Chesley,	Farrar,	Randolph,
Cooper,	Patton,	Stratton.
Davis,	Pope,	

Amendment of Senator Martin was adopted.

Bill engrossed by the following vote:

YEAS—14.

Buchanan,	Gooch,	Matlock,
Collins,	Houston,	Peacock,
Evans,	Johnson of Collin,	Pfeuffer,
Fowler,	Johnston of Shelby,	Shannon,
Getzendaner,	Martin,	

NAYS—12.

Chesley,	Gibbs,	Pope,
Cooper,	Jones,	Randolph,
Davis,	Kleberg,	Stratton,
Farrar,	Perry,	Taylor.

Senator Gooch moved to reconsider the vote on the passage of Senate bill No. 4.

Senator Jones moved to amend the motion by calling the ayes and noes on said vote.

Accepted, and

Motion adopted.

The bill was passed by the following vote:

YEAS—19.

Buchanan,	Johnston of Shelby,	Perry,
Chesley,	Jones,	Pfeuffer,
Collins,	Kleberg,	Pope,
Fowler,	Martin,	Shannon,
Gibbs,	Matlock,	Stratton,
Gooch,	Peacock,	Taylor.
Houston,		

NAYS—8.

Davis,	Getzendaner,	Randolph,
Evans,	Johnson of Collin,	Terrell.
Farrar,	Patton,	

The following reason for voting "no" on the passage of the bill was asked to be printed in the journal:

I think the Constitution forbids it. I vote no.

TERRELL.

The President laid before the Senate House bill No. 68, "An act to amend section 4 of an act entitled 'an act to reorganize the twelfth, sixteenth, seventeenth, twenty-ninth, thirty-fourth, and thirty-fifth judicial districts, and to fix the times of holding the courts therein, to change times for holding the district courts in the seventh and fourteenth judicial districts, and in the counties of Kaufman, Sabine, San Augustine, and Nacogdoches, and to provide for a district attorney in the sixteenth judicial district,' approved March 21, 1883.

Bill read second time and passed to third reading.

On motion of Senator Matlock,

Rules were suspended, and

Bill placed on its third reading by the following vote:

YEAS—27.

Buchanan,	Gooch,	Peacock,
Chesley,	Houston,	Perry,
Collins,	Johnson of Collin,	Pfeuffer,
Cooper,	Johnston of Shelby,	Pope,
Davis,	Jones,	Randolph,
Evans,	Kleberg,	Shannon,
Farrar,	Martin,	Stratton,
Fowler,	Matlock,	Terrell,
Gibbs,	Patton,	Traylor.

NAYS—none.

Bill read third time and passed.

The President laid before the Senate House joint resolution, "requesting our Senators and Representatives in Congress to assist in opening the 'Western cattle trail,' which passes through the Cheyenne and Arapahoe Reservations, Indian Territory."

Resolution read second time, and

Passed to third reading.

Senator Stratton moved to suspend rules to place resolution on its third reading.

Adopted by the following vote:

YEAS—23.

Buchanan,	Johnson of Collin,	Perry,
Chesley,	Johnston of Shelby,	Pfeuffer,
Collins,	Jones,	Pope,
Evans,	Kleberg,	Shannon,
Farrar,	Martin,	Stratton,
Fowler,	Matlock,	Terrell,
Getzendaner,	Patton,	Traylor.
Gooch,	Peacock,	

NAYS—none.

Resolution read third time and passed.

The President laid before the Senate House bill No. 13, "An act to provide for the sale of all real estate bid off to the State by collectors of taxes at tax sales, the owners of which have not redeemed the same, approved April 7, 1879, and to extend the right of redemption."

Senator Matlock moved to lay the bill on the table, subject to call.

Senator Gooch moved to amend by postponing action on the bill till to-morrow.

Adopted.

The President laid before the Senate House bill No. 28, "An act to amend article 4360 of title 87, chapter 1, providing for the establishment of public roads, and to prohibit commissioners' courts from altering or changing public roads except for the purpose of straightening them and placing them on better ground and shortening the distance from the

point of beginning to the point of destination, and to repeal all laws in conflict with this act."

Bill read second time.

The first committee amendment was lost.

Senator Martin moved to reconsider the vote just cast.

Adopted.

Senator Martin moved to strike out the engrossed rider of the bill.

Senator Matlock raised the point of order that the first question in order is the adoption of the committee amendment.

Point of order sustained.

The first committee amendment was adopted by the following vote:

YEAS—20.

Davis,	Johnson of Collin,	Pope,
Evans,	Johnston of Shelby,	Randolph,
Farrar,	Jones,	Shannon,
Fowler,	Martin,	Stratton,
Getzendaner,	Matlock,	Terrell,
Gibbs,	Peacock,	Traylor.
Gooch,	Perry,	

NAYS—4.

Chesley,	Kleberg,	Pfeuffer.
Houston,		

Senator Martin moved to strike out the engrossed rider.

Motion adopted by the following vote:

YEAS—16.

Chesley,	Johnston of Shelby,	Pfeuffer,
Collins,	Kleberg,	Pope,
Farrar,	Martin,	Shannon,
Fowler,	Peacock,	Stratton,
Houston,	Perry,	Terrell.
Johnson of Collins,		

NAYS—9.

Davis,	Gibbs,	Matlock,
Evans,	Gooch,	Patton,
Getzendaner,	Jones,	Randolph.

The bill passed to third reading.

On motion of Senator Gibbs, the regular order was suspended to take up Senate bill No. 39, "An act punishing the enclosing of public lands."

Bill taken up and read second time, and

Substitute of the committee, "An act punishing the unlawful enclosing of lands," adopted in lieu of the original bill.

Senator Davis offered the following amendment:

Strike out the first section.

Senator Gooch offered as substitute for the substitute of the committee substitute Senate bill No. 27, "An act to prevent the unlawful use of the school, university and asylum lands."

The President ruled that the amendment of Senator Davis was first in order.

Senator Davis' amendment was adopted.

The substitute offered by Senator Gooch was then adopted by the following vote:

YEAS—18.

Buchanan,	Johnson of Collin,	Pope,
Chesley,	Jones,	Randolph,
Collins,	Martin,	Shannon,
Farrar,	Matlock,	Stratton,
Fowler,	Patton,	Terrell,
Gooch,	Pfeuffer,	Traylor.

## NAYS—7.

Davis,  
Evans,  
Getzendaner,

Gibbs,  
Houston,

Johnston of Shelby,  
Kleberg.

Senator Kleberg offered the following amendment:  
Amend by striking out section 3 of the bill.

The amendment being to strike out, was ordered to lay on the table for the present.

Senator Johnston of Shelby offered the following amendment:

Amend section 3 by adding: "provided, the provisions of this section shall not apply to sections not recognized as navigable streams when the survey or surveys were made."

Adopted.

Senator Evans offered the following amendment:

Amend by striking out all after the word "dollars," in section 3, line 14, down to and including the word "offense," in line 15.

Senator Patton offered the following substitute for the amendment of Senator Evans:

Strike out in section 3, lines 14 and 15, all between "dollars," in line 14, and the word "and" in line 15.

Accepted, and

Adopted by the following vote:

## YEAS—21.

Chesley,  
Collins,  
Davis,  
Evans,  
Fowler,  
Getzendaner,  
Gibbs,

Gooch,  
Houston,  
Johnson of Collin,  
Johnston of Shelby,  
Kleberg,  
Martin,  
Matlock,

Patton,  
Peacock,  
Perry,  
Pfeuffer,  
Shannon,  
Stratton,  
Traylor.

## NAYS—6.

Buchanan,  
Farrar,

Jones,  
Pope,

Randolph,  
Terrell.

Senator Johnston of Shelby offered the following substitute for the amendment of Senator Kleberg.

Amend section 3, by adding after the word "fence" "across" in line 10.

Adopted.

Senator Collins offered the following amendment:

In section 3, line 11, insert "natural" between "of" and "permanent," and "running" between "permanent" and "water."

Adopted.

Senator Terrell offered the following amendment:

Add section 8, "the Governor is authorized and it is made his duty to employ all means which he may think proper and necessary to ascertain all infractions of this act in the unorganized counties, with a view to the enforcement of this act, and to enable him to secure the enforcement of this act; in such unorganized counties the sum of ten thousand dollars is hereby appropriated."

Senator Kleberg's amendment was taken up and adopted by the following vote:

## YEAS—14.

Chesley,  
Collins,  
Davis,  
Farrar,  
Houston,

Kleberg,  
Martin,  
Matlock,  
Peacock,  
Perry,

Pfeuffer,  
Shannon,  
Stratton,  
Traylor.

## NAYS—13.

Buchanan,  
Evans,  
Fowler,  
Getzendaner,  
Gooch,

Harris,  
Johnson of Collin,  
Johnston of Shelby,  
Jones,

Patton,  
Pope,  
Randolph,  
Terrell.

Senator Matlock offered the following amendment to the amendment of Senator Terrell:

Amend by adding to section 7, "the Governor shall appoint five water commissioners to see that the provisions of this bill are properly enforced."

Withdrawn.

Senator Harris offered the following amendment to the amendment of Senator Terrell:

Add "out of the money arising from the lease of the lands mentioned in the act."

Adopted.

Amendment of Senator Terrell, as amended, adopted by the following vote:

## YEAS—20.

Buchanan,  
Chesley,  
Collins,  
Fowler,  
Getzendaner,  
Gooch,  
Harris,

Houston,  
Johnson of Collin,  
Kleberg,  
Martin,  
Matlock,  
Peacock,  
Perry,

Pfeuffer,  
Pope,  
Shannon,  
Stratton,  
Terrell,  
Traylor.

## NAYS—5.

Davis,  
Evans,

Farrar,  
Jones,

Patton.

Senator Jones offered the following amendment:

Provided, that neither the available nor permanent school fund shall be invaded for the purposes of this act or any of its provisions.

Senator Harris moved to lay the amendment on the table.

Motion adopted, and

Amendment tabled.

Senator Peacock offered the following amendment:

Amend section 6, line 12, by striking out the word "leased" and insert the word "used."

Adopted, and

Bill ordered engrossed.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,  
AUSTIN, January 25, 1884.

To the Hon. Marion Martin, President of the Senate:

I am instructed to inform the Senate that the House has passed Senate bill No. 34, entitled "An act to amend 'an act to redistrict the State into judicial districts, and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts.'"

Respectfully,

J. W. BOOTH, Chief Clerk.

HOUSE OF REPRESENTATIVES,  
AUSTIN, January 25, 1884.

Hon. Marion Martin, President of the Senate:

I am instructed by the House to inform the Senate that the House has passed Senate bill No. 70, entitled "An act to amend 'an act to redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, A. D. 1884.'"

Respectfully,

J. W. BOOTH, Chief Clerk.

On motion of Senator Martin,

The Senate adjourned till 10 o'clock to-morrow morning.